



Glenda Ritz, NBCT

Indiana Superintendent of Public Instruction

Title III-Language Instruction for Limited English Proficient and Immigrant Students

Program Purpose:

- (1) To help ensure that children who are limited English proficient, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;
- (2) To assist all limited English proficient children, including immigrant children and youth, to achieve at high levels in the core academic subject so that those children can meet the same challenging State academic content and student academic achievement standards as all children are expected to meet, consistent with section 111(b)(1);
- (3) To develop high –quality language instruction educational programs designed to assist State educational agencies, local educational agencies, and schools in teaching limited English proficient children and serving immigrant children and youth;
- (4) To assist State educational agencies, local educational agencies to develop and enhance their capacity to provide high-quality instructional programs designed to prepare limited English proficient children, including immigrant children and youth, to enter all-English instruction settings;
- (5) To assist State educational agencies, local educational agencies, and schools to build their capacity to establish, implement, and sustain language instruction educational programs and programs of English language development for limited English proficient children;
- (6) To promote parental and community participation in language instruction educational programs for the parents and communities of limited English proficient children;
- (7) To streamline language instruction educational programs into a program carried out through formula grants to State educational agencies and local educational agencies to help limited English proficient children, including immigrant children and youth, develop proficiency in English, while meeting challenging State academic content and student academic achievement standards;
- (8) To hold State educational agencies, local educational agencies, and schools accountable for increases in English proficiency and core academic content knowledge of limited English proficient children by requiring—
 - (A) Demonstrated improvements in the English proficiency of limited English proficient children each fiscal year; and
 - (B) Adequate yearly progress for limited English proficient children, including immigrant children and youth, as described in section 1111(b)(2)(B); and
- (9) To provide State educational agencies and local education agencies with the flexibility to implement language instruction educational programs, based on scientifically based research on teaching limited English proficient children, that the agencies believe to be the most effective for teaching English.



Title I, Part C-Education of Migratory Children

Program Purpose:

- (1) Support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;
- (2) Ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State academic content and student academic achievement standards;
- (3) Ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;
- (4) Ensure that migratory children receive full and appropriate opportunities to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet;
- (5) Design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment;
- (6) Ensure that migratory children benefit from State and local systemic reforms



Federal Guidance and Regulations

Lau v. Nichols

Lau v. Nichols was a civil rights case that was brought by Chinese American students living in San Francisco, California who had limited English proficiency. The students claimed that they were not receiving special help in school due to their inability to speak English, help which they argued they were entitled to under Title VI of the Civil Rights Act of 1964 because of its ban on educational discrimination on the basis of national origin.

"All English learners come to school with varied experiences, but not all of their background knowledge matches what they need to know to be successful in U.S. schools."

"Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."

Castañeda v. Pickard

Castañeda v. Pickard: On June 23, 1981, the Fifth Circuit Court issued a decision that is the seminal post-Lau decision concerning education of language minority students. The case established a three-part test to evaluate the adequacy of a district's program for ELL students:

- 1) is the program based on an educational theory recognized as sound by some experts in the field or is considered by experts as a legitimate experimental strategy;
- 2) are the programs and practices, including resources and personnel, reasonably calculated to implement this theory effectively; and
- 3) does the school district evaluate its programs and make adjustments where needed to ensure language barriers are actually being overcome?
[648 F.2d 989 (5th Cir., 1981)]



Hierarchy of Laws and Programs





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Did You Know?

- Title III and Title I, Part C funds can only provide supplemental instruction for the students that meet the required eligibility under the federal regulations.
 - Title III = Students who are LEP (Limited English Proficient)
 - Title I, Part C = Migratory Children with an active COE (Certificate of Eligibility)
- Title III and Title I, Part C funds can be used to provide supplemental programs, such as preschool, (as long as there are no other existing programs the student is eligible).
- Title III and Title I, Part C can be used to extend educational opportunities in the form of preschool programs for the students that are eligible based on federal definition.
- Title III and Title I, Part C funds can pay for teachers, materials, and transportation for students who are participating in supplemental preschool programs.
- Materials can range from supplemental instructional materials to additional technology to assist in implementing high quality programs.

Reminder:

In order to comply with sections 1120A(b) and 1114(a)(2)(B) of the ESEA, the Indiana Department of Education requires that all federally funded programs ensure that they are supplementing rather than supplanting with State and local funds.

The requirement of supplementing ensures that children participating in federal programs receive their fair share of services from state and local funds. The services supported by Title I, Title III, and Title I-Part C must supplement the instructional and support services that would be provided to students in the absence of federal funds. The LEA cannot use federal funds to supplant (take the place of) funds that would, in the absence of Title I, Title III, and Title I-Part C funds, have been spent on students.

Questions or Comments? Feel free to contact me at your convenience.

Rachel Davidson
English Learning and Migrant Education Coordinator
317-232-0558
rdavidson@doe.in.gov